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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/851,986	05/10/2001	Hajime Asama	1794-0136P	4132
7590 09/21/2004				
BIRCH, STEWART, KOLASCH & BIRCH, LLP P. O Box 747 Falls Church, VA 22040-0747			EXAMINER HOLLOWAY III, EDWIN C	
			ART UNIT 2635	PAPER NUMBER

DATE MAILED: 09/21/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

## Office Action Summary

**Application No.**

09/851,986

**Applicant(s)**

ASAMA ET AL.

**Examiner**

Edwin C. Holloway, III

**Art Unit**

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --  
**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☒ Responsive to communication(s) filed on 29 June 2004.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 1-5 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-5 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
  - ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)  
Paper No(s)/Mail Date \_\_\_\_\_
- 4) ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date. \_\_\_\_\_
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: \_\_\_\_\_

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***Examiner's Response***

1. In response to applicant's amendment filed 6-29-04, all the amendments to the specification and claims have been entered. The examiner has considered the new presentation of claims and applicant's arguments in view of the disclosure and the present state of the prior art. And it is the examiner's opinion that the claims are unpatentable for the reasons set forth in this Office action:

***Claim Rejections - 35 USC § 103***

2. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

3. This application currently names joint inventors. In considering patentability of the claims under 35 U.S.C. 103(a), the examiner presumes that the subject matter of the various claims was commonly owned at the time any inventions covered therein were made absent any evidence to the contrary. Applicant is advised of the obligation under 37 CFR 1.56 to point out the inventor and invention dates of each claim that was not commonly owned at the time a later invention was made in order for the examiner to consider the applicability of 35 U.S.C. 103(c) and potential 35 U.S.C. 102(e), (f) or (g) prior art under 35 U.S.C. 103(a).

4. Claims 1-5 are rejected under 35 U.S.C. 103(a) as being

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unpatentable over Hoffman (US 5742233) in combination with Mondejar (US 6154130) or Tuchman (US 4782541).

Hoffman discloses a support (rescue) system including a tag 20 being a data carrier and a reader/writer 70/80 that communicates with the tag. The tag includes I/O means 114 to connected to devices in the form of microphone/speaker 32 operated by information output from the reader/writer. See fig. 5 and col. 1 line 16, col. 4 line 45 - col. 5 line 35, col. 8 lines 30-50, and col. 9 line 65 - col. 10 line 14. Hoffman refers to an emergency transponder in col. 7 lines 13-16,

Mondejar discloses an analogous art security system for use in rooms such as sleeping/living area to assist in evacuation during an emergency. The system has a circuit 40 including emergency transponder 84 and motion sensor 44 that may be controlled by remote control 50. See col. 1 line 55 - col. 2 line 10, col. 3 lines 11-16 (evacuation), col. line 56 - col. 4 line 20 and col. 4 line 51 - col. 5 line 3.

Tuchman discloses an earthquake protective bed that may include an emergency transponder to be used by a person awaiting rescue. See col. 5 lines 57-68.

Regarding claim 1, it would have been obvious to one of ordinary skill in the art at the time the invention was made to have disposed the tag of Hoffman in a building as disclosed in

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Mondejar or Tuchman to allow rescue or evacuation from a building structure because all three references are directed to systems for allowing rescue/evacuation using emergency transponders, the inclusion in a building structure of Mondejar or Tuchman assists in rescue/evacuation from the building and Hoffman at least suggests a predetermined location by placing the tag 20 in a charging stand 36 in fig. 2. Regarding claim 2, the tag 20 is activated by RF waves from an external source in the last four lines of the abstract and col. 11 line 60 col. 12 line 8. Regarding claims 3-4, plural tags would have been obvious for plural people and/or rooms and presence detection would have been obvious in view of the proximity sensor in col. 4 lines 54-56 of Hoffman or the motion sensor in Mondejar. Regarding claim 5, rescue in col. 1 line 16 or parent locating a lost child in col. 13 lines 47-49 of Hoffman corresponds to presenting a reader/writer in an emergency situation and communication to trapped people would have been obvious in view of the communication for evacuation in Mondejar or for person awaiting rescue from an earthquake in Tuchman as suggested by the references to rescue and emergency transponder in Hoffman.

#### ***Response to Arguments***

5. Applicant's arguments with respect to claims 1-5 filed 6-29-04 have been considered but are moot in view of the new

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ground(s) of rejection.

**Conclusion**

6. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. Topol (US 4531114) discloses an RF communication system for building evacuation in an emergency.

7. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

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**CONTACT INFORMATION**


Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact an Electronic Business Center (EBC) representatives at 703-305-3028 or toll free at 866-217-9197 between the hours of 6 a.m. and midnight Monday through Friday EST, or by e-mail at [ebc@uspto.gov](mailto:ebc@uspto.gov). The Patent EBC is a complete customer service center that supports all Patent e-business products and service applications. Additional information is available on the Patent EBC Web site at <http://www.uspto.gov/ebc/index.html>.

Any inquiry of a general nature should be directed to the Technology Center 2600 receptionist at (571) 272-2600.

Facsimile submissions may be sent via fax number (703) 872-9306 to customer service for entry by technical support staff. Questions regarding fax submissions should be directed to customer service voice line (703) 306-0377.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Edwin C. Holloway, III whose telephone number is (571) 272-3058. The examiner can normally be reached on M-F (8:30-5:00). If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Michael Horabik can be reached on (571) 272-3068.

EH  
9/20/04

  
EDWIN C. HOLLOWAY, III  
PRIMARY EXAMINER  
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